

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

OCT 13 2005

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

VASU D. AURORA, M.D.,

Plaintiff,

v.

JOHN S. EDWARDS,
MICHELLE DERRIKO,
MICHAEL J. BARBOUR,
TERRY G. KILGORE,
JOHN R. FLEDER,
DOE 1-25,

Defendants.

Civil Action No. 7:05-cv-188
Criminal Action No. 1:98-cr-00072

ORDER

By: Hon. James C. Turk
Senior United States District Judge


In accordance with the accompanying memorandum opinion, and as Aurora has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, it is hereby **ORDERED** that the above referenced motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED** without prejudice as successive, and defendants' motion to dismiss concerning Aurora's malpractice claims is **GRANTED**. This case is stricken from the active docket of this court.

Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. §2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion are available from the Fourth Circuit at the following address: Office of the

Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

The Clerk is directed to send certified copies of this order to Aurora and counsel for the defendants.

ENTER: This 17th day of October, 2005.



SENIOR UNITED STATES DISTRICT JUDGE